

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 136

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**Introduced by Assembly Member Buchanan**

January 16, 2013

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An act to amend Section ~~17466~~ 17389 of the Education Code, relating to school facilities.

### LEGISLATIVE COUNSEL’S DIGEST

AB 136, as amended, Buchanan. School facilities: sale or lease of real ~~property~~. *property: advisory committee.*

*Existing law authorizes the governing board of a school district, and requires the governing board prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, to appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings that is not needed for school purposes. Existing law requires the advisory committee to consist of between 7 and 11 members and to be representative of specified populations.*

*This bill would require the governing board to appoint at least 2 members to the advisory committee with expertise in environmental impact, legal contracts, building codes, and land use planning, as specified. This bill would require the advisory committee to consist of between 8 and 12 members.*

*By requiring the governing board of a school district to appoint 2 members with expertise in environmental impact, legal contracts, building costs, and land use planning, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the governing board of a school district, before ordering the sale or lease of any property, to adopt a resolution that includes specified provisions in a regular open meeting by a  $\frac{2}{3}$  vote of its members declaring its intention to sell or lease the property.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 17389 of the Education Code is amended
- 2     to read:
- 3     17389. (a) A school district advisory committee appointed
- 4     pursuant to Section 17388 shall consist of not less than ~~seven~~ 8
- 5     nor more than ~~11~~ 12 members, and shall be representative of each
- 6     of the following:
- 7     ~~(a)~~
- 8     (1) The ethnic, age group, and socioeconomic composition of
- 9     the pupils enrolled in the district.
- 10    ~~(b)~~
- 11    (2) The business community, such as store owners, managers,
- 12    or supervisors.
- 13    ~~(c)~~
- 14    (3) Landowners or renters, with preference to be given to
- 15    representatives of neighborhood associations.
- 16    ~~(d)~~
- 17    (4) Teachers.
- 18    ~~(e)~~
- 19    (5) Administrators.
- 20    ~~(f)~~
- 21    (6) Parents of students.
- 22    ~~(g)~~

1 (7) Persons with expertise in environmental impact, legal  
2 contracts, building codes, and land use planning, including, but  
3 not limited to, knowledge of the zoning and other land use  
4 restrictions of the cities or cities and counties in which surplus  
5 space and real property is located.

6 (b) *A school district advisory committee shall consist of at least*  
7 *2 members who meet the description contained in paragraph (7)*  
8 *of subdivision (a).*

9 *SEC. 2. If the Commission on State Mandates determines that*  
10 *this act contains costs mandated by the state, reimbursement to*  
11 *local agencies and school districts for those costs shall be made*  
12 *pursuant to Part 7 (commencing with Section 17500) of Division*  
13 *4 of Title 2 of the Government Code.*

14 ~~SECTION 1. Section 17466 of the Education Code is amended~~  
15 ~~to read:~~

16 ~~17466. Before ordering the sale or lease of a property, the~~  
17 ~~governing board of a school district, in a regular open meeting, by~~  
18 ~~a two-thirds vote of all its members, shall adopt a resolution~~  
19 ~~declaring its intention to sell or lease the property, as the case may~~  
20 ~~be. The resolution shall describe the property proposed to be sold~~  
21 ~~or leased in such manner as to identify it and shall specify the~~  
22 ~~minimum price or rental and the terms upon which it will be sold~~  
23 ~~or leased and the commission, or rate thereof, if any, that the~~  
24 ~~governing board of the school district will pay to a licensed real~~  
25 ~~estate broker out of the minimum price or rental. The resolution~~  
26 ~~shall fix a time not less than three weeks thereafter for a public~~  
27 ~~meeting of the governing board of the school district to be held at~~  
28 ~~its regular place of meeting, at which sealed proposals to purchase~~  
29 ~~or lease will be received and considered.~~